

shooting McKeesport Police Officer Gerasimos Athans on December 20, 2020, in McKeesport, Pennsylvania. See Complaint [ECF 1-3], at ¶ 3.

3. Named as a defendant is Brenda Sawyer. Ms. Sawyer is identified in the Complaint as “a regional director of the state Attorney General’s Bureau of Narcotics Investigations & Drug Control.” See Complaint [ECF 1-3], at ¶ 23.

4. Plaintiffs assert that the Defendants violated certain of their rights by the manner in which they pursued their efforts to locate and arrest Koby Lee Francis. See Complaint [ECF 1-3], at ¶¶ 76-202. Included among these, were claimed violations of the Fourth Amendment, the Fourteenth Amendment and Title VI of the Civil Rights Act of 1964. Id.

5. Based on these federal claims, the Defendants filed a Notice of Removal [ECF 1, 5] that was docketed at No. 2:24-cv-00008-MRH in this Court on January 3, 2024.

6. Thereafter, on March 15, 2024, Plaintiffs filed an Amended Complaint [ECF 21].

7. The Commonwealth Defendant now moves to dismiss the Amended Complaint, or certain claims therein, for failure to state a claim upon which relief can be granted.

8. The Commonwealth Defendant has herewith filed a Brief in Support of this Motion, providing reasons in support of the foregoing assertion with greater particularity; the contents therein are incorporated by reference.

WHEREFORE, the Commonwealth Defendant respectfully requests that the instant motion be granted and that the Commonwealth Defendant be dismissed from this action and terminated from the docket; alternatively, the Commonwealth Defendant respectfully requests that all claims at Counts II, VII, VIII and IX be dismissed, as well as Count IV, to the extent it asserts a claim against the Commonwealth Defendant under the Pennsylvania state constitution.

Respectfully submitted,

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